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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,564	03/29/2001	Michael J. Siwinski	82311PCW	5878

7590 09/03/2004

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EXAMINER
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WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/03/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/821,564

Applicant(s)

SIWINSKI, MICHAEL J.

Examiner

Stella L. Woo

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (US 5,266,922, hereinafter “Smith”).

Regarding claims 1 and 2, Smith discloses a system for controlling information received in or transmitted from a moving vehicle comprising:

a sensor (detector 120 detects vehicle movement; col. 6, lines 17-28);

a processor (processing unit 105 receives motion data from detector 120, col. 6, lines 24-28); and

an electronic component (keyboard/display unit 115 delivers messages to the vehicle user; col. 6, lines 51-52), wherein the information being either delivered or received is disabled by the processor according to the motion data from the sensor (processor 105 supplies an inhibiting signal to keyboard/display unit 115 when vehicle motion is detected; col. 6, lines 24-41).

Art Unit: 2643

Regarding claim 3, when the vehicle is in motion, the received message for display is substituted with an audible alarm indicating the type of message received (col. 6, line 55 – col. 7, line 16).

Regarding claim 7, the keyboard means of unit 115 is disabled when the vehicle is in motions so the driver is prevented from entering a signal through the keyboard portion (col. 6, lines 24-36).

Regarding claim 8, the messages are communicated as digital packets (col. 2, line 43 – col. 3, line 32).

Regarding claim 9, the communication unit is a mobile communication unit attached to any type of vehicle (col. 8, lines 23-29).

3. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (US 6,353,778).

Regarding claim 1, Brown discloses a system for controlling information received in or transmitted from a moving vehicle comprising:

a sensor (means for sensing when the auto velocity exceeds a default value, such as zero; col. 3, lines 43-51; col. 4, lines 24-41; col. 5, lines 48-49);

a processor (central processing unit 30; col. 4, lines 10-29); and

an electronic component within the vehicle which delivers information (wireless cell phone 12 delivers telephone calls to the driver 11; col. 3, lines 11-13), wherein the information being either delivered or received is either disabled or modified according to the motion data received from the sensor (when the central processing unit 30 receives feedback from the sensor

that the vehicle exceeds a predetermined velocity, a control signal is transmitted to disable the cellular phone; col. 3, lines 42-51; col. 4, lines 24-35).

Regarding claims 4 and 6, the cellular phone provides audio output via its speaker and audio input via its microphone, both of which are disabled when the cellular phone is disabled.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Obradovich et al. (US 6,438,465, hereinafter "Obradovich").

Smith differs from claim 5 in that it does not specify the keyboard/display unit 115 as including a touch-sensitive input device. However, Obradovich teaches the desirability of incorporating a well known touch screen display interface (touch screen 104a in Figure 1) in order to provide a user-friendly means of user input/output (col. 5, lines 1-53) such that it would have been obvious to an artisan of ordinary skill to modify the keyboard/display unit 115 of Smith as a touch-screen display/touch-screen input device, as taught by Obradovich, in order to provide a more compact, user-friendly means of displaying information while allowing user input.

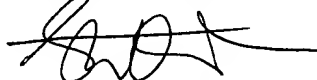
*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koike et al. and Kunimoto show the modification of sound information provided to the vehicle user based on detected vehicle speed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo  
Primary Examiner  
Art Unit 2643